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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

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|-------------------------------------|---|-------------------------|
| FRED WISNIEWSKI, a/k/a CAPTAIN RAT, |) | |
| |) | |
| Petitioner, |) | Cancellation No. 20,442 |
| |) | |
| v. |) | |
| |) | |
| CAPTAIN RAT AND THE BLIND RIVETS, |) | |
| |) | |
| Respondent. |) | |

REQUEST CONCERNING RESETTING OF TESTIMONY PERIOD

NOW COMES Respondent, CAPTAIN RAT AND THE BLIND RIVETS, making
the following request regarding resetting of testimony periods, states as follows:

1. This matter is currently under suspension pursuant to this Board's Order issued March 14, 2003, at the unilateral request for suspension filed by Petitioner.
2. If, upon the conclusion of the six month suspension period, this Board orders that these proceedings resume and trial dates reset, Respondent requests that this Board take into account its previous Order issued November 5, 1997 (copy attached), indicating that only one week remains in the Petitioner's testimony period, and that the resetting of the trial date would commence with the balance of Petitioner's trial period.
3. In this Board's previous Order of March 14, 2003 (which was later set aside in the Board's Order of March 20, 2003), the Board reset trial dates granting the Plaintiff a full 30 day period, rather than the one week balance technically remaining.

WHEREFORE, Respondent requests this Board take notice of its previous Order as
above-mentioned in the resetting of the trial dates, should this matter proceed forward



09-04-2003

following the present period of suspension, and for such further relief as may be just and appropriate.

CAPTAIN RAT AND THE BLIND RIVETS

DATED: 9/2/03

BY:



ROGER L. PRILLAMAN,
GENERAL PARTNER

CAPTAIN RAT AND THE BLIND RIVETS
220 W. Main Street
Urbana, Illinois 61801
(217)384-1310

6 mos. May 5, 1998

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

GFR

Cancellation No. 20,442

Fred Wisniewski a/k/a Captain
Rat

v.

Captain Rat and the Blind
Rivets

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PAT. & T.M. OFFICE

With one week left in its rescheduled testimony period, petitioner moved for suspension to accommodate the parties' settlement talks. In view thereof, proceedings herein are suspended until six months from the mailing date of this action, subject to the right of either party to request resumption at any time prior thereto. See Trademark Rule 2.117(c) and MacMillan Bloedel Ltd. v. Arrow-M Corp., 203 USPQ 952 (TTAB 1979).

In the event that there is no word from either party concerning the progress of their negotiations, the Board will issue an order resuming proceedings and resetting remaining trial dates, commencing with the balance of plaintiff's trial period. During the suspension period, the Board should be informed of address changes for the parties or attorneys.

Gerard F. Rogers

Gerard F. Rogers
Attorney, Trademark Trial
and Appeal Board
703-308-9330, ext. 224

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